



BellSouth Telecommunications, Inc.

333 Commerce Street

Suite 2101

Nashville, TN 37201-3300

joelle.phillips@bellsouth.com

RECEIVED
REGULATORY AUTH.

01 AUG 27 PM 1:53

Joelle J. Phillips

Attorney

615 214 6311

Fax 615 214 7406

August 27, 2001

EXECUTIVE SECRETARY

VIA HAND DELIVERY

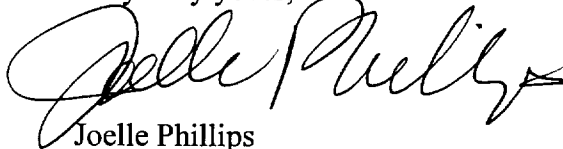
Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: *BellSouth Telecommunications, Inc.'s Entry Into Long Distance
(InterLATA) Service in Tennessee Pursuant to Section 271 of the
Telecommunications Act of 1996*
Docket No. 97-00309

Dear Mr. Waddell:

Enclosed please find the original and thirteen copies of BellSouth's Petition for Clarification and Reconsideration of Initial Order of Hearing Officer on July 12, 2001 Status Conference and Restatement of BellSouth's Position. Copies are being provided to counsel of record.

Very truly yours,



Joelle Phillips

JP/jej

Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA Service) in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*

Docket No. 97-00309

PETITION OF BELL SOUTH TELECOMMUNICATIONS, INC.
FOR CLARIFICATION AND RECONSIDERATION OF
INITIAL ORDER OF HEARING OFFICER
ON JULY 12, 2001 STATUS CONFERENCE AND
RESTATEMENT OF BELL SOUTH'S POSITION

BellSouth Telecommunications, Inc. ("BellSouth") files this Motion for Clarification of Initial Order of Hearing Officer on July 12, 2001 Status Conference and Restatement of BellSouth's Position, and respectfully shows the Hearing Officer as follows:

INTRODUCTION

In its August 10, 2001 Initial Order (the "Initial Order"), the Hearing Officer addressed four issues concerning which BellSouth either seeks clarification or seeks to restate its position to avoid confusion and preserve a record of its position on these points.

DISCUSSION

I. Clarification Regarding Matters to be Addressed at the Hearing Following "Track A" Hearing.

The Initial Order provides for an initial hearing to address the "Track A" issues and a "hearing, in this docket, on other Section 271 issues, including, but not limited to, Section 272 affiliate requirements and the public interest, to follow at a later time." (Initial Order at page 13).

BellSouth is concerned that this statement is inconsistent with BellSouth's position regarding the substance of its 271 case before the TRA. BellSouth hereby clarifies that

BellSouth's 271 case before the TRA will address only those issues specified in 47 U.S.C. § 271(c).

The FCC does not expect, nor does the law require, the TRA to opine on an ILEC's compliance with Section 272 or the public interest requirement. The Act specifies that "the Commission shall consult with the State commission of any State that is the subject of the application in order to verify the compliance of the Bell operating company with the *requirements of subsection (c)*." 271(d)(2)(B). BellSouth is not seeking the TRA's approval of its Section 272 and/or public interest case because those issues are not encompassed with Section 271(c).¹ Furthermore, no Section 271 FCC decision to date has included a state recommendation on these issues. Consequently, BellSouth will not file evidence on its compliance with Section 272 or the public interest requirement for the TRA's consideration because it is not necessary pursuant to the Act.²

To the extent the Hearing Officer intends to hold or schedule hearings on matters beyond those encompassed by 271(c), BellSouth respectfully requests that the Order be reconsidered for the foregoing reasons.

II. Clarification of BellSouth's Position Regarding the Necessity of Concluding Performance Measurements Prior to Approval of BellSouth's 271 Application.

The Initial Order references the OSS Docket and Performance Measurements Docket and states that "[n]o party contests that both of the aforementioned dockets contain subject matter that BellSouth must rely upon in support of its Tennessee 271 application." (Initial Order at page 9).

¹ No state commission in BellSouth's region is considering Section 272 compliance or public interest.

² BellSouth has filed the pleadings, which it intends to file with the FCC regarding 271(c) issues, and BellSouth's Tennessee case will be consistent with that pleading.

BellSouth wishes to clarify that BellSouth does, in fact, dispute that completion of the performance measurements docket is necessary prior to a TRA decision on BellSouth's 271 application, and BellSouth wishes the TRA to clarify this point in order to avoid confusion. BellSouth's position was explained at the July 12, 2001 conference as follows:

I don't believe that our -- our ability to satisfy the requirements of 271 or the Commission's ability to provide its consultative opinion is necessarily contingent on the end of the performance measurement docket and the adoption of the permanent performance measurements. The reason I say that is this. Performance measurements are, by their nature, kind of always interim. There is - they change from time to time, and they will continue to change even after the performance measurement docket puts them in.

(Comments of Fred McCallum on behalf of BST, Hearing Transcript at 39). The Hearing Officer correctly described BellSouth's position on page 10 of the Initial Order.

BellSouth's position is that the TRA can, and should, rely on the proposed Interim SQM, and Tennessee-specific data reported in accordance with that SQM, to assess BellSouth's compliance with Section 271. The use of the Interim Service Quality Measurements will allow the TRA to bring the benefits of competition to Tennessee consumers this year. BellSouth does not believe that the TRA need wait on the completion of the performance measurements docket to render an opinion on BellSouth's compliance with the competitive checklist.

III. Clarification Regarding TRA Request for Tennessee-Specific Data

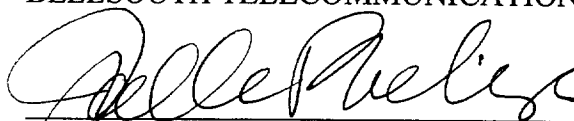
Footnote 4 on page 3 of the Initial Order notes that the TRA requests "Tennessee-specific data for all measurements." BellSouth wishes to clarify that it will rely on regional data with respect to ordering and pre-ordering. These systems are regional in nature, and the data includes, but is not limited to, Tennessee orders. BellSouth will rely on this same regional data in all of its 271 applications throughout the nine-state region in which it operates.

CONCLUSION

In order to seek clarification and reconsideration on the matters discussed above, and to ensure that the record of its position is preserved, BellSouth respectfully requests that the Initial Order and record be clarified regarding the foregoing.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

A handwritten signature in dark ink, appearing to read "Joelle Phillips", is written over a horizontal line.

Guy M. Hicks

Joelle Phillips

333 Commerce Street, Suite 2101

Nashville, Tennessee 37201-3300

(615) 214-6301

Fred McCallum, Jr.

Lisa Foshee

675 W. Peachtree Street, Suite 4300

Atlanta, Georgia 30375

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2001, a copy of the foregoing document was served on the parties of record, via hand delivery, facsimile, overnight or US Mail, addressed as follows:

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

H. LaDon Baltimore, Esquire
Farrar & Bates
211 Seventh Ave. N, # 320
Nashville, TN 37219-1823
for Qwest (fka LCI), Intermedia,
KMC Telecom III and V

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Charles B. Welch, Esquire
Farris, Mathews, et al.
205 Capitol Blvd, #303
Nashville, TN 37219
for Time Warner and New South

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Henry Walker, Esquire
Boult, Cummings, et al.
P. O. Box 198062
Nashville, TN 37219-8062
for XO Communications, ICG
ACSI (e.spire), Brooks Fiber,
and SECCA

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Dulaney O'Roark, Esquire
MCI WorldCom, Inc.
Six Concourse Pkwy, #3200
Atlanta, GA 30328

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

James P. Lamoureux
AT&T
1200 Peachtree St., NE, #4068
Atlanta, GA 30367
for AT&T and TCG MidSouth

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Cynthia Kinser, Esquire
Consumer Advocate Division
P. O. Box 20207
Nashville, TN 37202

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Enrico C. Soriano
Kelley, Drye & Warren
1200 19th St., NW, #500
Washington, DC 20036
for XO Communications

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

James Wright, Esq.
United Telephone - Southeast
14111 Capitol Blvd.
Wake Forest, NC 27587
for Sprint Communications, LP

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Guilford Thornton, Esquire
Stokes & Bartholomew
424 Church Street
Nashville, TN 37219
for BSLD

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Donald L. Scholes
Branstetter, Kilgore, et al.
227 Second Ave., N.
Nashville, TN 37219
for CWA

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Andrew O. Isar, Esquire
ASCENT
3220 Uddenberg Lane, NW
Gig Harbor, WA 98335
for ASCENT

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Jon E. Hastings, Esquire
Boult, Cummings, et al.
P. O. Box 198062
Nashville, TN 37219-8062
for MCI WorldCom

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Nanette S. Edwards, Esquire
ITC^DeltaCom
4092 South Memorial Parkway
Huntsville, AL 35802

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

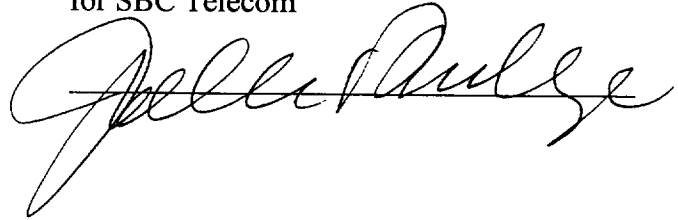
Andrew Klein, Esquire
Kelley, Drye & Warren
1200 19th St., NW
Washington, DC 20036
for KMC Telecom

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

John McLaughlin, Jr.
KMC Telecom
1755 North Brown Road
Lawrenceville, GA 30043

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

D. Billye Sanders, Esquire
Waller Lansden, et al.
P. O. Box 198866
Nashville, TN 37219-8966
for SBC Telecom

A handwritten signature in cursive script, appearing to read "Billye Sanders", written over a horizontal line.